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June 3, 2004

BY MESSENGER

Federal Election Commission
General Counsel Office
999 E Street, N.W.
Washington, DC 20463
Attn: Kim C. Stevenson

Re: MUR 5445 – Carolina Majority PAC

Dear Ms. Stevenson:

This letter is in response to the Federal Election Commission ("Commission") letter of April 29th to Mark Valente III, Treasurer of the Carolina Majority PAC ("PAC"). The Commission letter enclosed a copy of a complaint from Public Citizens, alleging that the PAC violated provisions of the Federal Election Campaign Act of 1971, as amended. Specifically, the complaint alleges that the PAC accepted a contribution from Quentin Nesbitt that was earmarked or designated for the Geoff Davis for Congress Committee and that the PAC donated these funds to the Davis campaign. The letter also says that the "evidence also strongly indicates" that this was a contribution to the Geoff Davis for Congress Committee in the name of another within the meaning of 11 C.F.R. § 110.4. The "evidence" provided by Public Citizens consists solely of the fact "discovered" from the PAC's disclosure filings at the Commission that Mr. Nesbitt made a contribution of \$2,000 to the PAC on September 23, 2003, and on September 30, 2003, the PAC made a contribution of \$2,000 to the Davis Committee.

Enclosed with this letter are two affidavits, one from the Treasurer of the PAC, and a second from Congressman Wilson, the organizer of the PAC. The affidavits are unequivocal that the Nesbitt contribution was not accepted by the PAC on an earmarked or designated basis. No direction was received orally or in writing from Mr. Nesbitt by the PAC regarding his contribution.

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COMMISSION
OFFICE OF GENERAL
COUNSEL
2004 JUN -3 P 2:02

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The PAC was organized by Congressman Wilson to support Republican candidates for the United States House of Representatives and to assist the Republican Party in retaining a majority in the House. The PAC raised more than \$36,000 in 2003. The PAC contributed \$31,500 to Republican House candidates in 2003. On September 30, the same day that a contribution was made to the Davis for Congress Committee, a contribution was made to the Neugebauer for Congress Committee. The PAC has in the past and anticipates in the future contributing to Republican House candidates based on its goals of maintaining Republican control of the House and the election of quality individuals. The Davis campaign is one of the few closely contested races for the U.S. House of Representatives in 2004. A PAC whose stated goal is to assist in maintaining Republican control of the House has relatively few races where their financial support may impact on the outcome of the campaign. This district race is one. Representative Wilson has campaigned at Washington events for Davis, seeking support for that campaign. It is simply silly to conclude that the PAC needed direction or resources from Mr. Nesbitt to support the Davis Committee.

The complaint has provided the Commission with no documentation or statement from any individual with any personal knowledge regarding the contributions which supports these allegations concerning the PAC. For this reason, the Commission should close this MUR without further action in regard to the PAC and Mr. Valente.

If you should have any question regarding this matter, please do not hesitate to contact me.

Sincerely,



E. Mark Braden

EB/rvn

Enclosures

Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2004 JUN -31 P 2:02

AFFIDAVIT OF MARK VALENTE III

Re: MUR 5445 - Carolina Majority PAC

- 0689172057
- 1) I, Mark Valente III, am the Treasurer of the Carolina Majority PAC ("PAC"). I am the principal in Valente & Associates, Hamilton Square, Fifth Floor, 600 Fourteenth Street, N.W., Washington, DC 20005.
 - 2) As Treasurer of the PAC, I regularly receive contribution checks for the PAC. I received a check drawn on the account of Jean Nesbitt and Quentin Nesbitt, signed by Quentin Nesbitt and dated September 23, 2003. I have no memory or knowledge whether the check arrived by postal service, overnight delivery service, or hand delivery. I have attached a copy of that check and the deposit slip to this statement. (See attachment A.) An examination of the check shows that on its face there is no indication that the contribution was earmarked or designated in any manner for any specific use or candidate.
 - 3) On October 30, 2003, I sent an acknowledgement and thank you letter for the contribution to Mr. Nesbitt on behalf of the PAC from Congressman Joe Wilson, which is the same acknowledgement sent to all Carolina Majority PAC contributors. Attached is a copy of that thank-you letter. (Attachment B). An examination of the thank-you letter of October 30, 2003 does not indicate any agreement to earmark or designate Mr. Nesbitt's contribution to the PAC to any specific candidate or campaign.
 - 4) The thank-you letter makes reference to electing Republicans in South Carolina and all over the country. No reference is made to the Geoff Davis for Congress campaign in Kentucky.
 - 5) I made no representation to Mr. Nesbitt that his contribution would be accepted on an earmarked or designated basis by the PAC. To the best of my knowledge, I have never met

Quentin Nesbitt nor spoken with him. I would not have accepted a contribution from Mr. Nesbitt on a designated basis, nor has the PAC, to my knowledge, ever accepted an earmarked or designated contribution from a donor.

6) I know of no one associated with the PAC that made any agreement to earmark or otherwise designate Mr. Nesbitt's contribution to the PAC for the Geoff Davis For Congress Committee. I know of no one associated with the PAC who remembers ever meeting or speaking with Mr. Nesbitt.

7) The PAC did make a contribution to Geoff Davis for Congress on September 30, 2003 in the amount of \$2,000. This contribution was not made pursuant to any agreement, expressed or implied with Mr. Nesbitt by myself or to my knowledge any representative of the PAC.

8) Geoff Davis is running for a seat in the U.S. House of Representatives from Kentucky for the second time. This congressional race has been and will continue to be one of the most hotly contested in the country. Representative Wilson in the prior election cycle supported Geoff Davis' efforts to be elected to congress through Mr. Wilson's personal appearance at a Washington DC fundraising event for Geoff Davis on September 17, 2002.

9) I have no reason to believe that the September 30, 2003 contribution to Geoff Davis For Congress by the PAC was related in any manner to the contribution from Mr. Nesbitt to the PAC.

10) I believe that the September 30, 2003 date of contribution corresponded with the closing of a reporting period to the Federal Election Commission by the Davis campaign. It is my belief the timing of the contribution reflected a desire to provide Mr. Davis with the contribution prior to the close of the reporting period.

11) Although I have no recollection of any specific discussion regarding the September 30, 2003 contribution to the Davis campaign, it is my clear understanding that Representative Wilson approved of the contribution based upon his personal experience with Geoff Davis and

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the Geoff Davis campaign and its importance to the goal of electing more Republicans to the House of Representatives.

I do solemnly declare and affirm under the penalties of perjury and upon personal knowledge that the facts set forth herein are true and correct.

By: 
Mark Valente III

6-3-04
Date

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National City.
 www.nationalcity.com
 National City Bank of Michigan/Illinois
 Detroit, Michigan

DATE **9-23-03**

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CAROLINA MAJORITY PAC
 JOE WILSON, CHAIRMAN
 FEC C00367656
 P.O. BOX 65786
 WASHINGTON, DC 20035

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 ARE PROPERLY ENDORSED
 DEPOSITS MAY NOT BE AVAILABLE
 FOR IMMEDIATE WITHDRAWAL

TOTAL
 ITEMS ☐

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2000.-

JEANNE NESBITT
QUENTIN NESBITT
 CINCINNATI, OH 45224

DATE **9-23-03** 13-31/420

3452

PAY TO THE ORDER OF **Carroll at Majority** \$ **2,000.00**

FOR **Carroll at Majority**

First United Bank

PLATINUM ONE ACCOUNT

Quentin Nesbitt

Security Feature Box

10/30/03

36807177357

Carolina Majority PAC

Hon. Joe Wilson
Chairman

Mark Valente III
Treasurer

Post Office Box 65796
Washington, DC 20035

202-783-1980
Fax 202-783-1918

October 30, 2003

Mr. Quentin Nesbitt
1 Tanglewood Ln.
Cincinnati, OH 45224

Dear Mr. Nesbitt:

Thank you for your contribution to the Carolina Majority PAC (CARPAC).

Your contribution shows your desire to help keep electing Republicans in South Carolina and all over our country. I share this desire with you as we fight to maintain a majority in the United States Congress.

Your assistance has been crucial in the effort to make this desire a reality. I have been proud to represent the good people of South Carolina and fight for the Republican principles and common beliefs we share.

Support like yours has helped propel Republicans to lead in Congress. Thank you for everything you have done for CARPAC and for me. I will never take for granted your support and friendship.

Again, thank you for your generous support.

Sincerely,

Joe Wilson

Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

AFFIDAVIT FOR REPRESENTATIVE JOE WILSON

Re: MUR 5445 - Carolina Majority PAC

- 1) I, Joe Wilson, am the Representative of the Second District of South Carolina in the United States House of Representatives.
- 2) I am the organizer of the Carolina Majority PAC ("PAC"). I organized the PAC to elect Republicans in South Carolina and across the country. My goal was to assist in maintaining a Republican majority in the United States House of Representatives.
- 3) To the best of my knowledge, I have never met Quentin Nesbitt nor spoken with him. I made no representation to Mr. Nesbitt that his contribution to the PAC would be accepted on an earmarked basis. I would not have permitted the PAC to accept a contribution from anyone on that basis and, to my knowledge the PAC has never accepted an earmarked or designated contribution from a donor.
- 4) I know of no one associated with the PAC who made any agreement to earmark or otherwise designate Mr. Nesbitt's contribution to the PAC for the Geoff Davis for Congress Committee. I know of no one associated with the PAC who remembers ever meeting or speaking with Mr. Nesbitt.
- 5) The PAC did make a contribution to Geoff Davis for Congress on September 30, 2003 in the amount of \$2,000. This contribution was not made pursuant to any agreement, expressed or implied with Mr. Nesbitt, or to my knowledge, any authorized representative of the PAC.
- 6) Geoff Davis was running for a seat in the U.S. House of Representatives from Kentucky for the second time. This congressional race has been and will continue to be one of the most hotly contested in the country; as I knew it was the most Republican district in America held by a

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Democrat. I have personally attended fundraising events, in Washington, for Mr. Davis, and strongly support his campaign, with both us having a shared interest in military backgrounds.

7) The PAC made a contribution to Mr. Davis' campaign because I believe he would be an excellent member of the U.S. House of Representatives. Contributions to Mr. Davis are important to his ability to be elected, and his election is important to the ability of the Republican Party to maintain a majority in the U.S. House of Representatives. I do not believe that the September 30, 2003 contribution to Geoff Davis for Congress Committee by the PAC is related in any manner to the contribution from Mr. Nesbitt to the PAC.

8) I have no present recollection of any specific discussions regarding this contribution to the Davis's campaign. I have no doubt that I approved such contribution based on my personal experience with the Davis campaign and Geoff Davis. Financial support for Geoff Davis' campaign is important to my goal and that of the PAC to elect more Republicans to the House of Representatives.

I do solemnly declare and affirm under the penalties of perjury and upon personal knowledge that the facts set forth herein are true and correct.

By:

Joe Wilson
Joe Wilson

2 Jun 04
Date

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